

[3548]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**FRIDAY, THE FIFTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA
WRIT PETITION NO: 14538 OF 2026**



Between:

S. Mahadevan, S/o. Subramaniyan, aged about 54 years, Occ. Proprietor, M/s. Lavanya Egg Mart and Poultryes, Having office at Plot No. 111, Sy. No. 35/1, Yadamari Village, Yadamari Mandal, Chittoor, Andhra Pradesh - 517422.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, School Education Department, Secretariat, Velagapudi, Amaravathi, Andhra Pradesh.
2. The Director, Mid-Day Meal and School Sanitation Andhra Pradesh, O/o. State Project Director, Samagra Siksha, Opp. Rythu Bazar, Patamata, Vijayawada, Andhra Pradesh - 520010.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of Respondents in disqualifying my bid on 13.05.2026 upon technical evaluation of bids submitted pursuant to the tender issued vide NIT No: 47/2026 dt. 01.04.2026 and bearing Tender ID No. 919255 as entirely arbitrary, unfair, unreasonable, malafide, illegal, and violation of Article 14, 21, and 19(1)(g) of Constitution of India and consequently set aside the said disqualification of my bid and declare that I

am fully technically qualified in respect of the tender document issued vide NIT No: 47/2026 dt. 01.04.2026 and bearing Tender ID No. 919255 issued by the 2nd Respondent for procurement and supply of eggs to all government schools and Anganwadi Centers in Annamayya District and Bala Sanjeevani Schemes for the 2026-27 year and further direct the Respondents to evaluate my financial bid fairly, reasonably, and without any arbitrariness or discrimination.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to the disqualification of bids submitted in pursuance of the tender issued vide NIT No. 47/2026 dated 01.04.2026, bearing Tender ID No. 919255, by the 2nd Respondent for procurement and supply of eggs to all Government schools and Anganwadi Centres in Annamayya District under the Dokka Seethamma Madhyahna Badi Bhojanam & Bala Sanjeevani Schemes for the year 2026-27, including any reissuance of the tender notification, Pending disposal of WP 14538 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI CHILUKURI KARTHIK, Advocate for the Petitioner, GP FOR SCHOOL EDUCATION for the Respondents, the Court made the following

ORDER:

Heard Mr R.N.Hemendra Reddy, learned counsel representing through Mrs A.Priyanka, learned counsel for the petitioner, and Mr Gurram Rama Chandra Rao, learned Government Pleader for the State.

A perusal of the disqualifying order, dated 13.05.2026, reads as follows:-

“Disqualified, the bidder has not satisfied the condition stipulated for experience(supporting documents for experience not submitted).

2. As per report of the DEO, PKM the bidder submitted fake information regarding godown facilities.

3. Submitted invoices and dates mismatched.”

The column containing the disqualifying statement dated 13.05.2026 read above, no reasons are spelt out for the said disqualification except single statement. Any order of a quasijudicial authority, which does not contain reasons, it is the law of the land that the authorities cannot later part supplement reasons in the counter affidavits. In **Minerva Mills Limited and another vs. Union of India and others**¹, a Constitutional Bench of the Hon'ble Supreme Court has laid down the said ratio, which is followed in **Dipak Babaria and another vs. State of Gujarat and others**², wherein it was held that “reasons and bona fide exercise of power are essential at the time of exercise thereof – Government must defend its action on the basis of the order that it has passed, and it cannot improve its stand by filing subsequent affidavits”.

Again in **Anand Brothers Private Limited vs. Union of India and others**³, the Hon'ble Supreme Court, while interpreting the words “finding”, “decision” and “conclusion”, held in paragraph 14 as follows:

“14. It is trite that a finding can be both; a finding of fact or a finding of law. It may even be a finding on a mixed question of law and fact. In the case of a finding on a legal issue the Arbitrator may on facts that are proved or admitted explore his options and lay bare the process by which he arrives at any such finding. It is only when the conclusion is supported by reasons on which it is based that one can logically describe the process as tantamount to recording a finding. It

¹ (1980) 3 SCC 625

² (2014) 3 SCC 502

³ (2014) 9 SCC 212

is immaterial whether the reasons given in support of the conclusion are sound or erroneous. That is because a conclusion supported by reasons would constitute a "finding" no matter the conclusion or the reasons in support of the same may themselves be erroneous on facts or in law. It may then be an erroneous finding but it would nonetheless be a finding. What is important is that a finding presupposes application of mind. Application of mind is best demonstrated by disclosure of the mind; mind in turn is best disclosed by recording reasons. That is the soul of every adjudicatory process which affects the rights of the parties. This is true also in the case of a finding of fact where too the process of reasoning must be disclosed in order that it is accepted as a finding in the sense the expression is used in Clause 70."

The pointed question to the learned Government Pleader is whether any opportunity is being provided to the petitioner before passing order for which the learned Government Pleader has clearly stated that opportunity will be provided to the petitioner to make his detailed explanation, ventilating his grievance, to the concerned authority and the same will be looked into immediately.

Satisfying with the submission made by Mr. Gurram Rama Chandra Rao, learned Government Pleader, without adverting into the merits of the case, respondents are directed to provide an opportunity to the petitioner to submit a detailed explanation, ventilating his grievance, including his disqualification by tomorrow, which is also accepted by the petitioner. As and when the said representation/explanation is submitted, the same should be acted upon forthwith by the respondents, failing which, the respondents shall abstain from issuing further notification.

Post after Summer Vacation, 2026.

SD/- U.SRIDEVI
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

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To,

1. The Principal Secretary, State of Andhra Pradesh, School Education Department, Secretariat, Velagapudi, Amaravathi, Andhra Pradesh.
2. The Director, Mid-Day Meal and School Sanitation Andhra Pradesh, O/o. State Project Director, Samagra Siksha, Opp. Rythu Bazar, Patamata, Vijayawada, Andhra Pradesh - 520010. (by SPEED POST)
3. One CC to SRI. CHILUKURI KARTHIK Advocate [OPUC]
4. Two CCs to GP FOR SCHOOL EDUCATION ,High Court Of Andhra Pradesh. [OUT]
5. One spare copy

Kj

HIGH COURT

GTK,J

DATED:15/05/2026

POST AFTER SUMMER VACATION, 2026

ORDER

WP.No.14538 of 2026

INTERIM DIRECTION

